

PUBLIC SERVICE COMMISSION OF WISCONSIN

Minutes and Informal Instructions of the Open Meeting of Thursday, January 30, 2020

The Public Service Commission of Wisconsin (Commission) met as noticed. Present were Chairperson Valcq, Commissioner Nowak and Commissioner Huebsch.

Minutes

The Commission approved the minutes of the open meeting of Thursday, January 23, 1930.

4220-AF-105 - Application of Northern States Power Company-Wisconsin of Notification of Receipt and Request for Deferral of Tenth Settlement Payment from the Department of Energy

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

6680-CG-168 - Application of Wisconsin Power and Light Company, as a Gas Public Utility for a Certificate of Authority to Construct Natural Gas Distribution Facilities in the towns of Adrian, Greenfield, La Grange, Oakdale, and Tomah, in Monroe County, Wisconsin and for Recovery of Associated Northern Natural Gas and ANR Interstate Pipeline Investment

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

9698-CE-100 - Application of South Shore Energy, LLC and Dairyland Power Cooperative for a Certificate of Public Convenience and Necessity for the Nemadji Trail Energy Center Combined-Cycle Project, to be Located in the City of Superior, Douglas County, Wisconsin

The Commission approved the Draft Final Decision and directed it to be signed by the Secretary to the Commission.

9698-CE-101 - Application of South Shore Energy, LLC and Dairyland Power Cooperative for a Certificate of Public Convenience and Necessity for a 345 Kilovolt Tie Line to Connect the Proposed Nemadji Trail Energy Center to the Existing Transmission System, to be Located in the City of Superior, the Town of Superior, and the Town of Parkland, Douglas County, Wisconsin

The Commission approved the Draft Final Decision and directed it to be signed by the Secretary to the Commission.

5820-AG-101 - Application for Approval of an Affiliated Interest Agreement Between Superior Water, Light and Power Company and South Shore Energy, LLC Related to Relocation of a 10-Inch Natural Gas Pipeline in Superior, Wisconsin

The Commission approved, as filed, the request for approval of an affiliated interest agreement between Superior Water, Light and Power Company and South Shore Energy, LLC related to relocation of a 10-inch natural gas pipeline in Superior Wisconsin.

The Commission directed the Division of Energy Regulation and Analysis to draft an order consistent with its discussion.

5820-AG-102 - Application for Approval of an Affiliated Interest Agreement Between Superior Water, Light and Power Company and South Shore Energy, LLC Related to Construction of a 16-Inch Natural Gas Pipeline in Superior, Wisconsin

The Commission approved the affiliated interest agreement between Superior Water, Light and Power Company (SWL&P) and South Shore Energy, LLC related to construction of a 16-inch natural gas pipeline, subject to the condition that SWL&P shall retain sole authority as to the utilization of the lateral for additional customers without procuring the consent of the owners of the Nemadji Trail Energy Center.

Commissioner Nowak dissented.

The Commission directed the Division of Energy Regulation and Analysis to draft an order consistent with its discussion.

6240-CW-117 - Application of the City of Waukesha, as a Water Public Utility, for Authority to Construct Water Transmission Main, a Booster Station, Reservoirs and a Water Supply Control Building in the City of Waukesha, the City West Allis, the City of Greenfield, the City of New Berlin, and the Town of Waukesha, Waukesha County, and in the City of Milwaukee, Milwaukee County, Wisconsin

The Commission reviewed the application of the city of Waukesha, as a Water Public Utility (WWU), for authorization to construct a water transmission main, a booster station, reservoirs and a water supply control building in Waukesha County and Milwaukee County and made the following preliminary determinations:

1. The Commission accepted all of the uncontested items identified in the Final Decision Matrix ([PSC REF#: 382729](#)).

2. The proposed project would not substantially impair the efficiency of the service of the public utility under Wis. Stat. § 196.49(3)(b)1.
3. The proposed project would not provide facilities unreasonably in excess of the probable future requirements under Wis. Stat. § 196.49(3)(b)2.
4. The proposed project, when placed in operation, would not add to the cost of service without proportionately increasing the value or available quantity of service under Wis. Stat. § 196.49(3)(b)3.
5. The Commission removed the costs associated with the meter vault and wholesale meter (\$789,000) and the \$2,500,000 payment from the City of Waukesha to the City of Milwaukee from the approved project cost.
6. The Commission approved total project costs estimated by WWU, as modified by the exclusion in Item 5 above, and subject to quarterly reporting requirements identified in Item 7g below.
7. The following general conditions shall be required for approval of this project:
 - a. WWU shall build the facilities in accordance with the description in the application, data requests, and Commission decision;
 - b. Should the scope, design or location of the project change significantly, WWU shall notify the Commission within 30 days of becoming aware of possible changes. WWU shall obtain approval from the Commission before proceeding with any substantial change in project scope, design, size, or location;
 - c. WWU shall obtain all necessary federal, state, and local permits for a construction spread prior to the commencement of work on that construction spread;
 - d. WWU shall submit final actual costs segregated by the Commission's uniform system of accounts and specify an itemized explanation should costs deviate from those authorized;
 - e. The authorization is valid only if construction commences no later than one year after the date the Commission serves the Final Decision in this proceeding;
 - f. If WWU does not commence construction of the authorized project within one year of the effective date of the Final Decision in this proceeding, the certificate authorizing the approved project shall become void unless the WWU:

- (i) files a written request for an extension of time with the Commission before the effective date on which the certificate becomes void, and
 - (ii) is granted an extension by the Commission;
 - g. Beginning ninety days following the effective date of the Final Decision in this proceeding, WWU shall file quarterly progress reports that monitor and track project costs as the proposed project progresses. WWU shall work with Commission staff to establish the format and content of these quarterly reports, including identification of the appropriate accounts WWU shall use to track project costs.
 - h. The Final Decision takes effect one day after the date of service; and
 - i. Jurisdiction is retained.
8. In addition to the general conditions identified above, the following conditions shall be required for approval of this project:
- a. WWU shall, as described in WWU's application and data request responses, notify communities and residents about work in their area, and shall give a minimum of a 14-day notification to residents or businesses prior to work starting in their area;
 - b. WWU shall conduct and submit to the Commission an updated Natural Heritage Inventory Endangered Resources (ER) review that was conducted no more than one year prior to construction start;
 - c. WWU shall follow actions recommended in DNR's ER review to avoid impacts to three special concern reptile species in the project area; and
 - d. WWU shall liaise directly with park management staff to develop a construction access plan that addresses visitor safety and access for all parks or recreational trails that will be crossed by project facilities and restoration plans for those sites.
9. It is not necessary for WWU to perform a Value Engineering Study of alternative sites as a condition of approval.
10. The Commission granted a Certificate of Authority for the project, with conditions.

The Commission directed the Division of Water Utility Regulation and Analysis to draft an order consistent with its discussion.

9800-CE-100 - Application for Badger State Solar, LLC to Construct a New Solar Electric Generation Facility, to be Located in Jefferson County, Wisconsin

The Commission discussed this matter, determined that it was in the public interest to approve the application of Badger State Solar, LLC (applicant) for a Certificate of Public Convenience and Necessity (CPCN) to construct and operate a new solar electric generation facility, and made the following preliminary determinations:

1. The Commission accepted all of the uncontested items in identified in the Final Decision Matrix ([PSC REF#: 380977](#)).
2. The project will comply with Wis. Stat. § 196.491(3)(d)6. and will not unreasonably interfere with the orderly land use and development plans for the area involved.
3. All of the primary and alternate solar array sites meet the siting criteria of Wis. Stat. §§ 196.491(3)(d)3.
4. The following general conditions are necessary for approval of this project:
 - a. The applicant shall build the facilities in accordance with the description in the application, data requests, and Commission decision;
 - b. Should the scope, design or location of the project change significantly, the applicant shall notify the Commission within 30 days of becoming aware of possible changes. The applicant shall obtain approval from the Commission before proceeding with any substantial change in project scope, design, size, or location;
 - c. If the applicant enters into any arrangement with another party regarding the ownership of the project, the applicant shall provide prior notice to the Commission.
 - d. All necessary federal, state, and local permits shall be secured by the applicant prior to commencement of construction.
 - e. The applicant shall conduct an updated Endangered Resources Review closer to the start date of construction (no more than one year prior to construction start);
 - f. The applicant shall submit quarterly progress reports to the Commission that include all of the following:

- i. The date that construction commences;
 - ii. Major construction and environmental milestones, including permits obtained, by agency, subject, and date;
 - iii. Summaries of the status of construction, the anticipated in service date, and the overall percent of physical completion;
 - iv. The date that the facilities are placed in service.
 - g. The authorization is valid only if construction commences no later than one year after the date the Commission serves the Final Decision in this proceeding;
 - h. If the applicant does not commence construction of the authorized project within one year of the effective date of the Final Decision in this proceeding, the certificate authorizing the approved project shall become void unless the applicant:
 - i. files a written request for an extension of time with the Commission before the effective date on which the certificate becomes void, and
 - ii. is granted an extension by the Commission;
 - i. The Final Decision takes effect one day after the date of service; and
 - j. Jurisdiction is retained.
5. In addition to the general conditions, the following conditions are also necessary for approval of this project:
- a. The applicant shall mitigate impacts to line-of-sight communications and landowners that can show disruption to broadcast communications post construction.
 - b. The applicant shall perform pre- and post-construction noise studies as described in the most current version of the PSC Noise Measurement Protocol.
 - c. The applicant shall work with the applicable distribution or transmission utility to offer testing for stray voltage at each agricultural confined animal operation within ½ mile of the project area, prior to construction and after the project is energized.
 - d. The applicant shall develop and implement a training, response, and reporting system for any incidental wildlife observations and provide an annual report of

any incidents recorded by the system to Commission and Wisconsin Department of Natural Resources (DNR) staff.

- e. The applicant shall continue to work with Commission and DNR staff on developing a vegetation management plan that minimizes impacts to ground nesting birds and creates an environmentally sustainable ground cover on the solar array sites. The plan shall be provided to Commission and DNR staff at least 30-days prior to any pre-construction meeting.
 - f. The applicant shall discuss construction timing and actions with Commission and DNR staff to find ways to follow the DNR's recommended actions to avoid impacts to a special concern reptile species in the project area.
 - g. The applicant shall meet with Commission and DNR staff once project designs and construction plans are complete and prior to construction in order to review planned actions and ensure their compliance with permit and order conditions. The plans shall be provided to staff before the meeting to allow time for review.
 - h. The applicant shall comply with the National Electrical Code or the National Electrical Safety Code and Wis. Admin. Code ch. PSC 114, as appropriate. In case of conflict or overlap between code requirements, the applicant shall comply with the more stringent code requirement.
6. All commitments made by the applicant in its application, subsequent filings, and the provisions of this Final Decision shall apply to the applicant, any agents, contractors, successors, assigns, corporate affiliates and any future owners or operators of the project.
7. The project will not have undue adverse impact on other environmental values as provided under Wis. Stat. § 196.491(3)(d)4.
8. The Commission granted a CPCN for the project, with conditions.

The Commission directed the Division of Energy Regulation and Analysis to draft an order consistent with its discussion.

Minutes and Informal Instructions of the Open Meeting of
Thursday, January 30, 2020
Page 8

The Commission adjourned the meeting at 11:54 a.m.

A handwritten signature in black ink, reading "Steffany Powell Coker". The signature is written in a cursive, flowing style.

Steffany Powell Coker
Secretary to the Commission

DL:01715727